



## ) ) ) ) ) ) ) ) ) )

**)CHARGE NO(S): 2001 CF 0810**  
**)EEOC NO (S): 21 BA 10067**  
**)ALS NO(S): 11759**

1

- 25, 2002 at 2:00 p.m. and warning Complainant that if she failed to appear I would entertain an oral motion by Respondent to dismiss this matter.
9. On September 10, 2002 Respondent filed proof of service of the September 10, 2002 order upon Complainant.
  10. On September 25, 2002, Respondent appeared; Complainant did not appear. Respondent made an oral motion to dismiss this matter for want of prosecution and I granted it.

### **Conclusion of law**

The failure of Complainant to propound discovery, to answer Respondent's discovery requests, to appear at three consecutive scheduled status hearings or to request continuances in advance, has resulted in unreasonable delay, justifying dismissal of this Complaint with prejudice.

### **Discussion**

Section 5300.750(e) of the Procedural Rules of the Illinois Human Rights Commission authorizes a recommendation for dismissal with prejudice where a party fails to appear at a scheduled hearing without requesting a continuance reasonably in advance, or unreasonably refuses to comply with any Order entered, or otherwise engages in conduct which unreasonably delays or protracts the proceedings. Similarly, 775 ILCS 5/8A-102(l)(6) authorizes a recommended order of dismissal, with prejudice, or of default as a sanction for a party's failure to prosecute her case, appear at a hearing, or otherwise comply with this Act, the rules of the Commission, or a previous Order of the Administrative Law Judge.

The record indicates that Complainant has ignored Commission orders to propound and answer discovery and has failed to appear for scheduled hearings on July 24, 2002, September 10, 2002 and September 25, 2002. Complainant was warned in the September 10, 2002 order that her failure to appear on September 25, 2002 may result in an order to dismiss. Complainant did not appear on September 25, 2002 and did not file a request for continuance. Complainant was last before this tribunal on June 11, 2002 and has since filed no pleadings to indicate her interest in pursuing this matter.

As Complainant has taken no steps to indicate her desire to pursue this matter, I can take no other action in this case except to dismiss the Complaint.

### **Recommendation**

Therefore, I recommend that this Complaint and the underlying Charge be dismissed with prejudice.

**HUMAN RIGHTS COMMISSION**

**BY: \_\_\_\_\_**  
**SABRINA M. PATCH**  
**Administrative Law Judge**  
**Administrative Law Section**

**ENTERED: October 2, 2002**